

REMARKS

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Reconsideration of this Application is requested.

The Examiner objected to the drawings under 37 CFR §1.83(a), because they fail to show Figs. 4-7 as described in the specification. Attached Figs. 4-7 show the material described in the specification.

Claims 1, 6, 7 and 20 have been rejected by the Examiner under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended to remove the indefiniteness.

Claims 1-24 has been rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Rosenberg, et al. (U.S. 6,363,357 B1). Rosenberg, et al. discloses the following in lines 1-64 of column 11:

“The online payment system **100** can be provided with further functionality by permitting the merchant **106** to specify in the header **202** multiple prices/rates (e.g., an individual rate and a corporate rate). The plug-in **178** would present to the buyer **102** on display **123** the option of selecting from an individual rate or a corporate rate. If the corporate rate option were selected, the buyer **102** is provided with the details of various corporate rates that are based on the number of copies of the procured item the corporation desires to distribute within their corporation (e.g. **50**, **100**, unlimited). The buyer **102** then selects the desired rate-and the payment process continues in the manner previously discussed. This feature overcomes the dilemma faced by many corporations who obtain an article of interest and then wish to circulate copies throughout the organization. Because of the copyright laws, the corporation needs to obtain the right to make and distribute such copies. The rights can be obtained by signing up with a clearing house or contacting the owner of the copyright directly. The instant invention provides a real time capability for corporations to easily obtain rights for the distribution of multiple copies of an item on an item by item basis. As an alternative to the actual rates being displayed a pointer can be set forth which allows the buyer access to a rate table or algorithm at the server so that rate information is easily obtained.

An alternative method of providing the multiple copy/distribution corporate rate structure is to designate, in the buyer database **168**, a designated rate for multiple copies (i.e. 50) that is automatically invoked any time the particular buyer **102** purchases an item. In this situation the buyer **102** would be charged a cost associated with the initial cost of the items as well as the premium charged for the right to make/distribute the designated multiple copies. This feature also permits the customizing of discounts to individual corporations.

Another service that the online payment system can provide is to not charge a corporate client multiple times for content which has been purchased at a corporate rate. When a corporate buyer designates a desire to purchase the digital content, the broker computer **132** would search the transaction logs associated with the corporate buyer **102** to ascertain if anyone else in the corporation had previously purchased the content. If the content had been purchased by someone else at the corporate rate, the product key K_{prod} would be provided free of charge since the corporation had previously paid for multiple copies. Additionally, in the event that individuals of a corporation independently purchased content based on an individual rate, the broker computer **132** based on the historical logs, could determine for an individual piece of content if all of the individual purchases of the content should be lumped together as one corporate purchase. For example, if an individual purchase of digital content was fifty cents and a corporate rate for 15 copies of the digital content was five dollars, once ten individual purchases were made, the broker computer **132** would not charge for the next 5 individual purchases made by that corporation. For record keeping purposes it is envisioned that a primary buyer could authorize sub-buyers for procuring items. Thus, each purchase by a sub-buyer would be rolled up into the primary buyer account for purposes of providing the best available rates. Additionally records of the sub-buyer activity would be maintained for accounting purposes."

Rosenberg does not disclose or anticipate a system or method wherein the fee for downloading the data item has a range specified by the Seller and defined by a maximum amount, and a minimum amount wherein the maximum amount is the fee posted by the Seller, and a minimum amount is what the Seller is willing to collect from the buyer for downloading the data item.

Rosenberg discloses different rates that are dependent upon volumes or rates for different classes, i.e., corporate rates. Thus, claims 1 and 17, as amended, and those claims dependent thereon, are patentable over Rosenberg.

In view of the above, claims 1, 3-7, 9-17, and 19-24 are patentable. If the Examiner has any questions, would he please contact the undersigned at the telephone number noted below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald Reichman", written over a horizontal line.

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In the specification:

page 2, line 4:

The other current method is for the seller to upload the data item to an Internet service provider or a Web site operator. The Internet service provider/Web site operator will then notify the buyer via e-mail with a unique universal resource locator (URL) so as to allow the buyer to download the data item through the URL. Musical works have been known to be purchased in this fashion wherein a buyer can download a song in an MP3 file to the buyer's computer. With this method, however, the buyer must provide a credit card number in order to be charged for downloading the data item. This is not advantageous to the Internet service provider/Web site operator who provides the transaction service because credit card and bank fees are typically larger with high volume, low amount transactions.

page 2, last paragraph:

Preferably, the monetary storage includes an account for the seller so that the monetary sum credited to the seller can be stored in the seller's account.

page 6, third paragraph:

As shown in **Figure 1**, the data repository system **100** includes a plurality of data banks (**21-26**), a plurality of information banks (**31-36**), a plurality of electronic vaults (**41-46**), and a software program **50**. The data repository system **100** allows access by a plurality of users (**41-46**). Also shown in Figure 1 is an administrative unit **10** that manages the data repository system **100**. It is understood that the data bank **21**, the information bank **31** and the vault **41** are associated with the user **11**, for example. The

data bank can be used by the user 11 to store one or more data items that the user 11 wishes to sell electronically for a fee. However, the data bank 21 can also be used for the user 11 to download a data item from other data banks (22-26) if the user 11 pays a fee for downloading the data item. Thus, any user can be a seller or a buyer or both. Accordingly, the vault 41 can be used for storing proceeds from selling a data item that are credited to the seller, but it can also be used for depositing a fund so as to allow a buyer to use part or all of the fund to pay for downloading one or more data items.

Page 8, lines 2 and 4:

Figure 2 is the components in an information bank (31-36). As shown, the information bank (31-36) may include a price information storage area 310, an identification code storage area 312, a transaction record 316, and a user information storage area 318. The price information storage area 310 can be used for a seller to post a fee for selling a data item, or for a buyer to make an offer for downloading the data item. It is possible that the fee stored in the price information storage area 310 has a range specified by the seller and defined by a maximum amount and a minimum amount wherein the maximum amount is an asking price that the seller posts for selling the data item and a minimum amount is what the seller is willing to accept for selling the data item. When a buyer makes an offer, the offered price is automatically checked against the seller-specified minimum amount by the software program-6050. If the offered price by the buyer is equal to or greater than the minimum amount, then the buyer is allowed to download the data item after a monetary sum equal to the offered price is deducted from the fund stored in the buyer's vault (41-46).

page 11, line 14:

Thus, what has been described is a method and a system for providing a service to a seller who wishes to electronically sell a data item to one or more buyers for a fee through a telecommunication network. A data repository is provided for the seller to store the data item and for the buyer to directly download the data item onto the buyer's input device. Prior to making such a transaction, the buyer is required to

deposit a fund into a monetary storage in the data repository. ~~The fee~~ that the buyer pays for downloading the data item is automatically deducted from the deposited fund and credited to the seller. For using the service, the seller must pay a user fee to the data repository service provider.

In the claims:

Cancel claims 2, 8, and 18.

1. (Amended) A data repository system to allow a seller to store a data item that the seller wishes to sell electronically to a buyer for a fee, said repository system comprising:

- a) a data storage;
- b) an information storage; and
- c) a monetary storage having a seller's account and a buyer's account, wherein

- (i) the data storage is used to store the data item; and
- (ii) the information storage is for posting the fee for downloading the data item from the data storage, and the buyer deposits the fund in the monetary storage prior to downloading the data item; wherein said data repository system further comprises a program means capable of communicating with the data storage, the information storage and the monetary storage so as to store a fund deposited by the buyer to pay for downloading the data item into the buyer's account;

- (iii) to deduct a monetary sum from the deposited fund according the posted fee in the information storage;

- (iv) to allow the buyer to download the data item from the data storage; and

- (v) to credit the monetary sum to the seller's account, wherein the fee for downloading the data item has a range specified by the Seller and defined by a maximum amount, and a minimum amount wherein the maximum amount is

the fee posted by the Seller, and a minimum amount is what the Seller is willing to collect from the buyer for downloading the data item.

7. (Amended) The data repository system of claim 6, wherein the seller uses an identification code to access the seller's account.

17. (Amended) A method of providing a service by a service provider to allow a seller to electronically sell a data item for a fee to a buyer who downloads the data item through a telecommunication network, said method comprising the steps of:

- a) storing the data item in a data repository;
- b) depositing a fund in the data repository;
- c) downloading the data item from the repository; and
- d) deducting a monetary sum from the fund and crediting the deducted sum to the seller, wherein the fee for downloading the data item has a range specified by the Seller and defined by a maximum amount, and a minimum amount wherein the maximum amount is the fee posted by the Seller, and a minimum amount is what the Seller is willing to collect from the buyer for downloading the data item.

20. Amended) The method of claim 19, wherein an excerpt of the data item is used for the buyer to review the data item before downloading the data item, said method further comprising the step of ~~uploading~~ downloading an electronic file containing the excerpt to the buyer.



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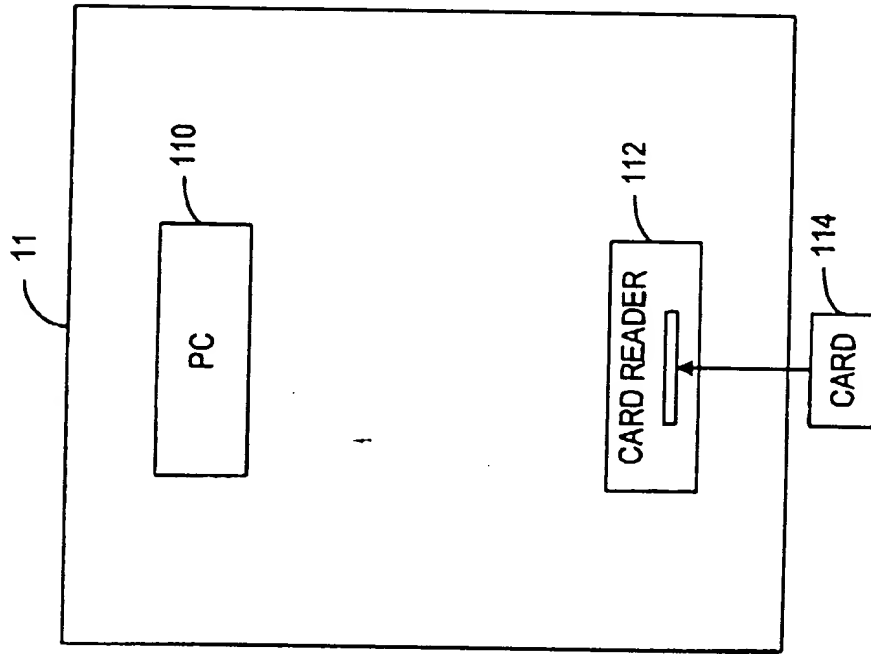


FIG. 5

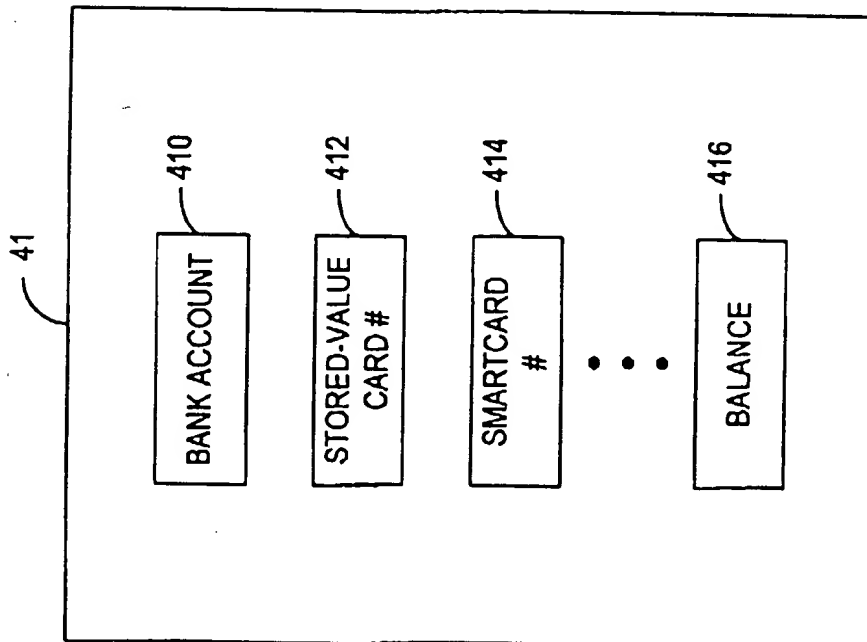


FIG. 4



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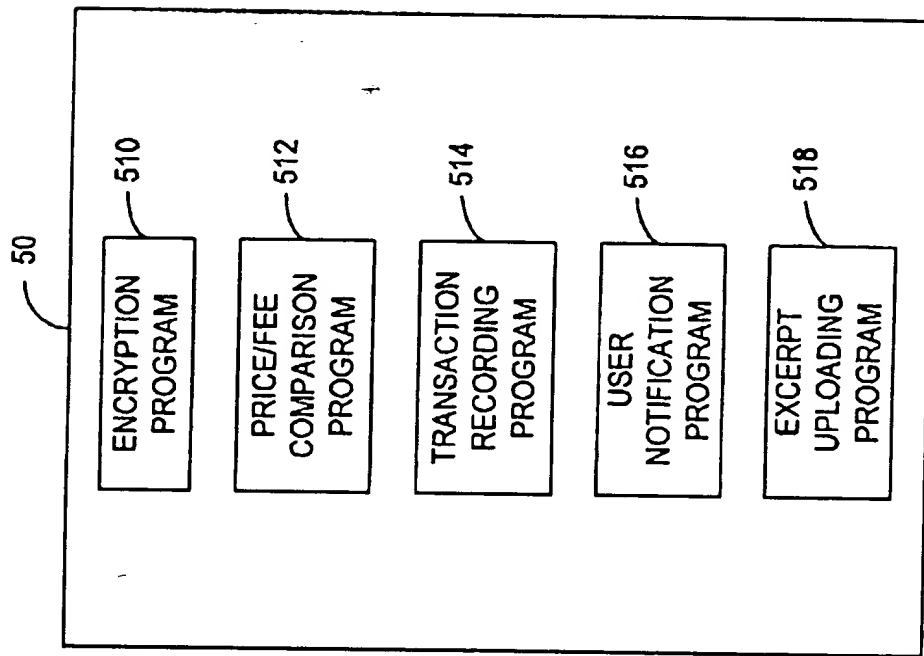
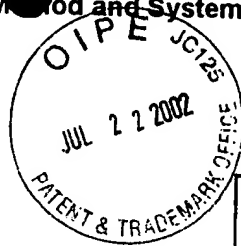


FIG. 6



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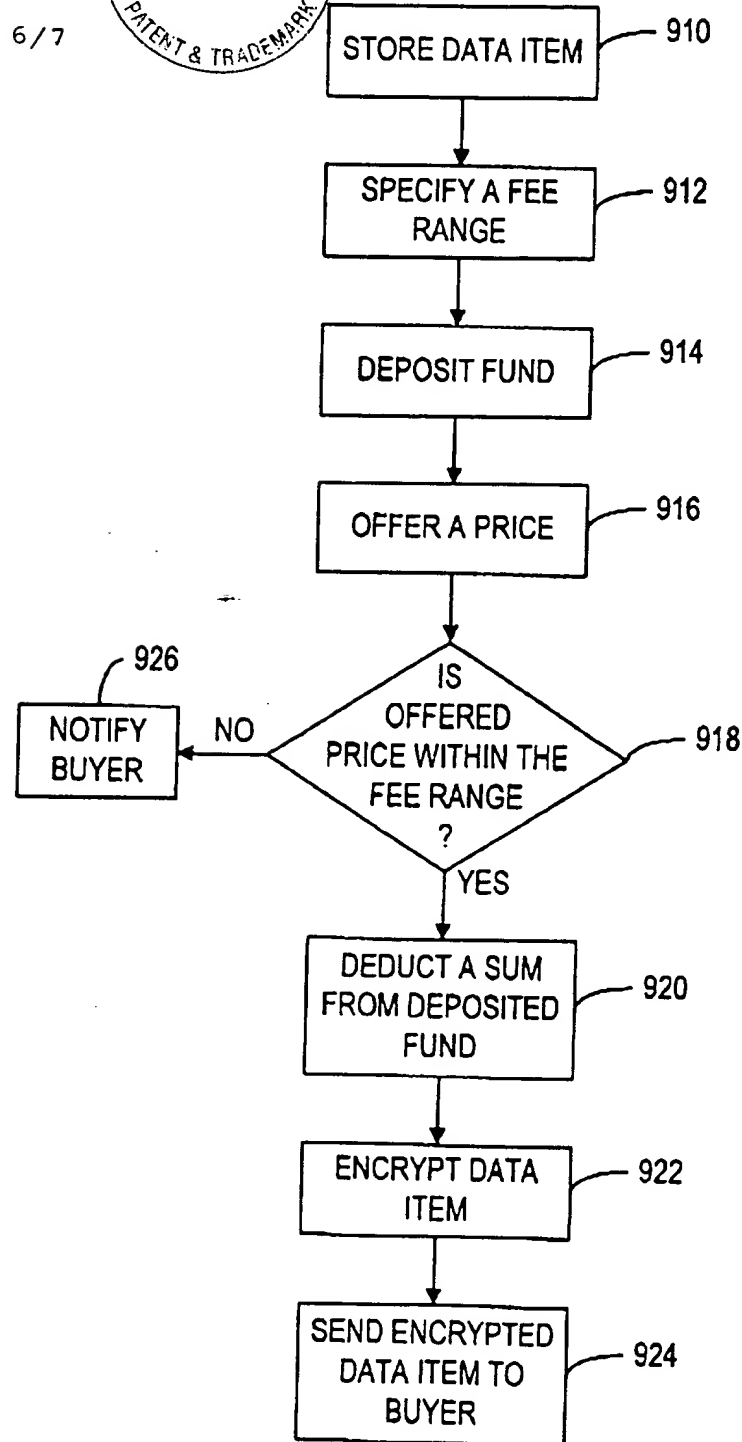


FIG. 7